

In the Supreme Court of the United States.

OCTOBER TERM, 1923.

FIRST NATIONAL BANK OF ST. LOUIS,
plaintiff in error (and petitioner for
certiorari),

v.

STATE OF MISSOURI, AT THE INFORMA-
tion of Jesse W. Barrett, Attorney
General, defendant in error (and re-
spondent for certiorari).

No. 252.

ON WRIT OF ERROR AND PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF MISSOURI.

MOTION OF THE UNITED STATES FOR LEAVE TO APPEAR AS AMICUS CURIAE.

Comes now the Solicitor General on behalf of the United States and moves the Court for leave to appear as *amicus curiae* and to be heard orally and by brief in the above-entitled cause.

The suit was instituted in the Supreme Court of Missouri by the Attorney General of the State, by information in quo warranto, to oust the Plaintiff in Error and Petitioner, a national bank organized under the laws of the United States and doing business in

the City of St. Louis, from conducting any of its business in a branch which it had opened at another place in said city than that in which it had been operating. An injunction was issued to restrain the bank from opening other contemplated branches. After judgment of ouster a writ of error was sued out, and an application is also pending for a writ of certiorari.

The contention of the defendant below was that the Attorney General of the State did not possess the power of visitation attempted to be exercised, that the court below was without jurisdiction, and that the proceeding was such a one as only the Government of the United States could maintain. The case was argued on May 7, 1923, and restored to the docket for reargument on November 12th next on the question whether or not a State has the right to challenge a national bank as to its methods of carrying out the provisions of its charter. As the case involves the right of a State to subject to its laws the operation of banks organized under Federal law, it is obviously one in which the United States has an interest. The Government challenges the right of the State of Missouri, either by statute or by judicial proceedings, to regulate or control national banks.

—On the question upon which the Court has directed reargument, and indeed the questions involved on the merits as well, the Government should, I respectfully submit, have an opportunity to be heard, as the decision of the case might affect the integrity and operation of the national banking system of the

country. The Solicitor General makes this motion at the request of the Secretary of the Treasury.

Notice of this motion has been served on counsel for both parties to the cause.

JAMES M. BECK,
Solicitor General.

OCTOBER, 1923.

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